IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TENTH DAY OF JANUARY
TWO THOUSAND AND SIX

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 648 of 2006

Between:

Kandula Sivananda Reddy and another

..... PETITIONERS

AND

The Commissioner,

Municipal Corporation of Kadapa,

Kadapa District and 2 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the respondents in seeking to dispossess the petitioners from their premises bearing D.No.1/397, 398 situated at Court Road, Kadapa of 1st petitioner and Door No.1/337 admeasuring Ac.0.95 cents in Sy.No.205/2, situated at Marutinagar, Kadapa Town by demolishing the same or any portion thereof without following the due process of law, as illegal and arbitrary, the writ petition is filed.

Learned counsel for the petitioner submits that the petitioners are the absolute owners and possessors of the premises mentioned in the writ petition and have been paying taxes to the respondent Corporation. In view of the traffic congestion and to have free flow of traffic, the Kadapa Municipal Corporation has decided to widen the roads, for which they have identified the properties of the petitioners and proposed to demolish the same highhandedly without following the due procedure prescribed in law.

The only grievance of the petitioners is that the respondents without issuing any notices, without paying any compensation for their structures or the lands and without following due process of law, are threatening to demolish the existing structures of the petitioners for the purpose of road-widening.

The learned counsel for the petitioner further submits that the action of respondents without following the due procedure prescribed under law and without paying any compensation either by way of private negotiations or by way of initiating proceedings under the Land Acquisition Act is utter violation of the principles of natural justice as well Sections 146 and 147 of the Municipal Corporation Act, 1955 (for short 'the Act').

This Court disposed of number of writ petitions directing the respondents not to demolish the houses of the private citizens without following due process of law.

Having regard to the facts and circumstances of the case,

the respondents are directed not to demolish the structures or take away any portion of the properties of the petitioners and not to dispossess them without following due process of law under Sections 146 and 147 of the Act or private negotiations or initiating the proceedings under the Land Acquisition Act, 1894.

With the above observations, the Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

Dated: 10.01.2006

Dsr